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<b>TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT</b> (Under 37 CFR 1.97(b) or 1.97(c))		Docket No. 1011-001-10316	
In Re Application Of: James Wilson-MacDonaled et al.			
Serial No. 10/790,033	Filing Date March 02, 2004	Examiner Pedro Philogene	Group Art Unit 3732
Title: ORTHOPAEDICS DEVICE AND SYSTEM			
<p>Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p><b>37 CFR 1.97(b)</b></p> <p>1. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.</p> <p><b>37 CFR 1.97(c)</b></p> <p>2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:</p> <p><input type="checkbox"/> the statement specified in 37 CFR 1.97(e);</p> <p><b>OR</b></p> <p><input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).</p>			

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
1011-001-10316

In Re Application: James Wilson-MacDonaled et al.

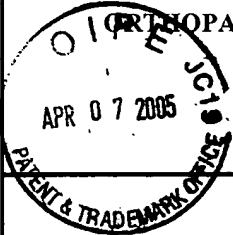
Serial No.  
10/790,033

Filing Date  
March 02, 2004

Examiner  
Pedro Philogene

Group Art Unit  
3732

OPPAEDICS DEVICE AND SYSTEM



**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
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Signature of Person Mailing Correspondence

Augusta D. Rogers

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

\*This certificate may only be used if paying by deposit account.

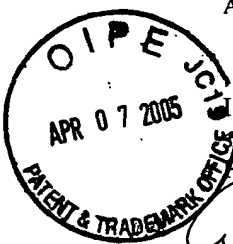
  
Signature

Dated: April 4, 2005

Paul J. Sutton, Esq.  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, New York 10166

Tel: 212.801.2108

CC:



I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 4, 2005.

*Augusta D. Rogers*  
Augusta D. Rogers

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: James Wilson-MacDonald et al.  
Serial No.: 10/790,033  
Filing date: March 02, 2004  
For: ORTHOPAEDICS DEVICE AND SYSTEM  
Group Art Unit: 3732  
Examiner: Pedro Philogene

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to Applicant's duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner.

It is respectfully requested that the information cited in the attached Form PTO-/SB/08A be considered by the Examiner in connection with the above-identified patent application, and that such art be made of record in said application.

## REFERENCE (S)

The references listed are not a representation that they constitute a complete or exhaustive listing of the relevant art or that these items are prior art. Attached are a French and an English translation for the same European Patent No. EP 140790. Also, included is a copy of a search report based on the Database Novelty Search and a copy of the search report from the UK application number GB0404702.3. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to appraising the Examiner of the particular items, they will assist in identifying field of the search and in making as full and complete a search as possible.

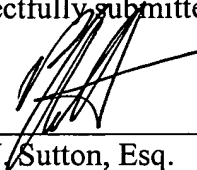
The filing of this Information Disclosure Statement is not an admission that the information cited herein is, or is considered to be, material to patentability or available as prior art.

The Commissioner is hereby authorized to charge any fee which may be required for submission of an Information Disclosure Statement to Deposit Account No. 50-1561, in the name of Greenberg Traurig, LLP.

Early and favorable consideration of the case is respectfully requested.

Dated: April 4, 2005

Respectfully submitted,



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Paul J. Sutton, Esq.  
Registration No. 24,201  
Attorney for Applicant  
Greenberg Traurig, LLP  
200 Park Avenue  
New York, NY 10166  
Tel. (212) 801-2108

**Complete if Known**

Application Number	10/790,033
Filing Date	March 02, 2004
First Named Inventor	James Wilson-MacDonald
Art Unit	3732
Examiner Name	Pedro Philogene
Attorney Docket Number	1011-001-10316

*(Use as many sheets as necessary)*

Sheet	1	of	3
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
	1	DE 282 1678	11-22-1979	Sulzer AG		
	2	DE 363 9522	06-01-1988	Dr. Martin Boener		
	3	GB 2 109 238	06-02-1983	Lazar Lvovich		
	4	WO 9505783	03-02-1995	Martin Jean-Raymond		
	5	WO 9505784	03-02-1995	Martin Jean-Raymond		
	6	WO 9505785	03-02-1995	Martin Jean-Raymond		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	2	of	3
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**Complete if Known**

Application Number	10/790,033
Filing Date	March 02, 2004
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Art Unit	3732
Examiner Name	Pedro Philogene
Attorney Docket Number	1011-001-10316

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		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				
	7	WO 9505786	03-02-1995	Jean-Raymond Martin		
	8	WO 0064360	11-02-2000	James Ogilvie		
	9	WO 0064364	11-02-2000	Christof Hopf		
	10	WO 0064635	11-02-2000	Richard W. Brahler		
	11	WO 0207621	01-31-2002	Regis Lecouedic		
	12	WO 0207622	01-31-2002	Regis Lecouedic		

Examiner Signature		Date Considered	
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[illegible]

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